

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

LEAGUE OF UNITED LATIN AMERICAN)	
CITIZENS – RICHMOND, <i>et al.</i>)	
Plaintiffs,)	
v.)	Civil No. 1:18-cv-00423
)	
PUBLIC INTEREST LEGAL FOUNDATION, <i>et al.</i>,)	
Defendants & Third-Party Plaintiffs,)	
v.)	
)	
VIRGINIA DEPARTMENT OF ELECTIONS,)	
Third-Party Defendant.)	

MOTION TO DISMISS THIRD-PARTY COMPLAINT

Pursuant to Rule 12(b)(1) & 12(b)(6) of the Federal Rules of Civil Procedure, the Virginia Department of Elections moves that this Court dismiss the Third-Party Complaint filed (as part of Dkt. 66) by Defendants, the Public Interest Legal Foundation (PILF) and J. Christian Adams, on the following grounds:

- 1) This Court lacks subject matter jurisdiction because state sovereign immunity bars Defendants' "contribution" claim in the Third-Party Complaint, so the Third-Party Complaint should be dismissed with prejudice pursuant to Rule 12(b)(1).
- 2) This Court lacks subject matter jurisdiction because Defendants lack standing to sue the Virginia Department of Elections concerning the Department's interactions with other voters, so the Third-Party Complaint should be dismissed with prejudice pursuant to Rule 12(b)(1).
- 3) The Third-Party Complaint fails to allege sufficient facts to state a claim that is plausible on its face that the Department is liable for the reports and statements by Defendants

PILF and Adams that are the basis of Plaintiffs' claims, so the Third-Party Complaint should be dismissed with prejudice pursuant to Rule 12(b)(6).

The above grounds for this motion and supporting argument and authorities are set forth fully in the accompanying memorandum in support of this motion.

Respectfully submitted,

VIRGINIA DEPARTMENT OF ELECTIONS

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on September 27, 2018, I am electronically filing the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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